

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

FILED BY 5
05 AUG -05 AM 8:10
D.C.
THOMAS M. GULLO
CLERK, U.S. DISTRICT COURT
W.D. OF TN, JACKSON

TERRY VESTAL,)
Petitioner,)
VS.) No. 04-1076-T/An
GLEN TURNER, Warden,)
Respondent.)

ORDER OF DISMISSAL

Petitioner Terry Vestal, Tennessee Department of Correction ("TDOC") prisoner number 125303, who was, at the time he filed this petition, an inmate at the Hardeman County Correctional Facility, filed a petition pursuant to 28 U.S.C. § 2254 on April 14, 2004.

On April 14, 2005, the respondent filed a Suggestion of Death indicating that the petitioner died on February 17, 2005. A copy of the petitioner's death certificate has now been submitted. As the respondent has provided verification that the petitioner is deceased, the petition for writ of habeas corpus is hereby DISMISSED as moot. The Clerk is directed to prepare a judgment accordingly.

IT IS SO ORDERED.

JAMES D. TODD

JAMES D. TODD

UNITED STATES DISTRICT JUDGE

5 August 2005

DATE



Notice of Distribution

This notice confirms a copy of the document docketed as number 11 in case 1:04-CV-01076 was distributed by fax, mail, or direct printing on August 8, 2005 to the parties listed.

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Honorable James Todd
US DISTRICT COURT